

Practitioner's Docket No. 03214**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re prior application of: Clarence Thibreau

Application No.: 0 / Group No.:

Filed: Examiner:

For: AIR GAP SPACER FOR USE  
IN BUILDING CONSTRUCTION**Assistant Commissioner for Patents  
Washington, D.C. 20231****APPLICATION DATA SHEET  
37 C.F.R. § 1.76**

**NOTE:** 37 C.F.R. § 1.76(a): "Application data sheet. An application data sheet is a sheet or sheets, that may be voluntarily submitted in either provisional or nonprovisional applications, which contains bibliographic data, arranged in a format specified by the Office. If an application data sheet is provided, the application data sheet is part of the provisional or nonprovisional application for which it has been submitted."

**BIBLIOGRAPHIC DATA****1. Applicant information**

**NOTE:** 37 C.F.R. § 1.76(b)(1): "(1) Applicant information. This information includes the name, residence, mailing address, and citizenship of each applicant (§ 1.41(b)). The name of each applicant must include the family name, and at least one given name without abbreviation together with any other given name or initial. If the applicant is not an inventor, this information also includes the applicant's authority (§§ 1.42, 1.43, and 1.47) to apply for the patent on behalf of the inventor."

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

 with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"  
Mailing Label No. EV3253840830S (mandatory)

**TRANSMISSION** facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Barbara A. Myers  
Signature

Barbara A. Myers

(type or print name of person certifying)

Date: 12/11/03

First applicant:

Clarence  
GIVEN NAME

MIDDLE INITIAL OR NAME

Thibeau

FAMILY (OR LAST NAME)

Citizenship Canadian

Residence P.O. Box 36

Chester Basin, Nova Scotia, Canada B0J 1K0

Second applicant, (if any)

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Citizenship

Residence

Third applicant, (if any)

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Citizenship

Residence

Fourth applicant, if any

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Citizenship

Residence

Fifth applicant, (if any)

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Citizenship

Residence

Sixth applicant, (if any)

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Citizenship

Residence

(Application Data Sheet [4-1.1]—page 2 of 6)

- Applicant is not the inventor and applicant's authority (§§ 1.42, 1.43 and 1.47) to apply for the patent on behalf of the inventor is as follows:

## 2. Correspondence information

*NOTE: 37 C.F.R. § 1.76(b)(2): "(2) Correspondence information. This information includes the correspondence address, which may be indicated by reference to a customer number, to which correspondence is to be directed (see § 1.33(a))."*

Correspondence for this application should be addressed as follows:

Name: James F. Porcello, Jr.

Address: P.O. Box 916

Toledo, Ohio 43697-0916

Customer No.: 20879

## 3. Application information

*NOTE: 37 C.F.R. § 1.76(b)(3): "Application information. This information includes the title of the invention, a suggested classification, by class and subclass, the Technology Center to which the subject matter of the invention is assigned, the total number of drawing sheets, a suggested drawing figure for publication (in a nonprovisional application), any docket number assigned to the application, the type of application (e.g., utility, plant, design, reissue, provisional), whether the application discloses any significant part of the subject matter of an application under a secrecy order pursuant to § 5.2 of this chapter (see § 5.2(c)), and, for plant applications, the Latin name of the genus and species of the plant claimed, as well as the variety denomination. The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure."*

Title of Invention: AIR GAP SPACER FOR USE IN BUILDING CONSTRUCTION

Docket number assigned to this application:

Suggested Classification: Class:

Subclass:

Technology Center to which subject matter is assigned:

*NOTE: "The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure." 37 C.F.R. § 1.76(b)(3).*

Total number of drawing sheets: 3

Type of application:

utility

application is to be published

1

Suggested drawing figure for publication: \_\_\_\_\_

application is not to be published

plant

Latin names of the genus \_\_\_\_\_  
species \_\_\_\_\_

of plant being claimed.

design

reissue

provisional

Secrecy order under § 5.2:

This application

does not disclose

discloses a significant part of the

subject matter of an application which is under a secrecy order pursuant to § 5.2.

#### 4. Representative information

NOTE: 37 C.F.R. § 1.76(b)(4) states: "Representative information. This information includes the registration number of each practitioner having a power of attorney or authorization of agent in the application (preferably by reference to a customer number). Providing this information in the application data sheet does not constitute a power of attorney or authorization of agent in the application (see § 1.34(b))." (Emphasis added).

The following have a power of attorney or authorization of agent in this application:

Name of attorney (agent): James F. Porcello, Jr.

P.O. Box 916

Address: Toledo, Ohio 43697-0916

Customer No.: 20879

#### 5. Domestic Priority information

NOTE: "Domestic priority information. This information includes the application number, the filing date, the status (including patent number if available), and relationship of each application for which a benefit is claimed under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and § 1.78(a)(2) or § 1.78(a)(4), and need not otherwise be made part of the specification." 37 C.F.R. § 1.76(b)(5).

Domestic priority for this application is claimed as follows:

35 U.S.C. § 119(e): Application No.: \_\_\_\_\_

Filed: \_\_\_\_\_

Status: \_\_\_\_\_

Relationship: \_\_\_\_\_

(Application Data Sheet [4-1.1]—page 4 of 6)

- 35 U.S.C. § 120: Application No.: \_\_\_\_\_  
 Filed: \_\_\_\_\_  
 Status: \_\_\_\_\_  
 Relationship: \_\_\_\_\_
- 35 U.S.C. § 121: Application No.: \_\_\_\_\_  
 Filed: \_\_\_\_\_  
 Status: \_\_\_\_\_  
 Relationship: \_\_\_\_\_
- 35 U.S.C. § 365(c): Application No.: \_\_\_\_\_  
 Filed: \_\_\_\_\_  
 Status: \_\_\_\_\_  
 Relationship: \_\_\_\_\_

#### 6. Foreign priority information

**NOTE:** "Foreign priority information. This information includes the application number, country, and filing date of each foreign application for which priority is claimed, as well as any foreign application having a filing date before that of the application for which priority is claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and § 1.55(a)." 37 C.F.R. § 1.76(b)(6).

**WARNING:** Section 1.55(a) provides (1)that in an original application filed under 35 U.S.C. 111(a) (other than a design application) the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application; (2) In an application that entered the national stage from an international application after compliance with 36 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT.

- Foreign priority is claimed for this application as follows:

Country: Canada  
 Application No.: 2,414,055 and Appln. # Not Designated Yet  
 Filing date: 12/12/02 and 11/18/03  
 Status: Both pending

Foreign application having a filing date before that of the above application for which priority is claimed.

None

Country: \_\_\_\_\_  
 Application No.: \_\_\_\_\_  
 Filing date: \_\_\_\_\_  
 Status: \_\_\_\_\_

## 7. Assignee Information

NOTE: 37 C.F.R. § 1.76(b) "Assignee Information. This information includes the name (either person or juristic entity) and address of the assignee of the entire right, title, and interest in an application. Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office."

NOTE: 37 C.F.R. § 1.215(b): "(b) If applicant wants the patent application publication to include assignee information, the applicant must include the assignee information on the application transmittal sheet or the application data sheet (§ 1.76). Assignee information may not be included on the patent application publication unless this information is provided on the application transmittal sheet or application data sheet included with the application on filing. Providing this information on the application transmittal sheet or the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office."

The assignee(s) of this application is/are:

Name of assignee: \_\_\_\_\_

Address of assignee: \_\_\_\_\_

Extent of interest of assignee in application: \_\_\_\_\_

Reg. No. 29,425

Tel. No. (419) 243-1294

Customer No. 20879

  
Signature of Practitioner

James F. Porcello, Jr.

(type or print name of practitioner)

P.O. Box 916

P.O. Address

Toledo, Ohio 43697-0916

(Application Data Sheet [4-1.1]—page 6 of 6)